

NOTES:

At the time of this report, the Department’s annual accounting to the DCTF indicates a \$1.4 million surplus that has been collected from fees associated with the California commercial Dungeness crab trap limit program. The DCTF is confident that the surplus more than adequately covers the Department’s “reasonable regulatory costs.” The DCTF will work with the Department to determine the actual costs to run the commercial trap limit program before providing a recommendation to adjust the biannual permit fee. The DCTF will provide an informed recommendation on or before January 2017 detailing how to potentially reduce the permit fees. Additionally, the DCTF will recommend appropriate ways to use the surplus funds, which may include providing start up funds for a lost fishing gear recovery program and/or supporting the DCTF beyond 2017, etc.

Whale Entanglement in Dungeness Crab Gear Concerns

Recently, whale entanglements in Dungeness crab fishing gear has been brought to the attention of the fishing community and environmental groups as a high priority issue. The ensuing recommendation is directly related to the whale-fishing gear interactions.

Recommendation 2- The Dungeness Crab Fishing Gear Working Group is charged with developing short-term strategies and long-term options to reduce the risk of whale entanglements in Dungeness crab fishing gear, beginning in the 2015-16 fishing season. The DCTF supports the initial recommendations and approaches recommended by the Working Group (Appendix 10). The DCTF requests the Working Group also consider the following:

- Expand entanglement response trainings coast-wide, and include both recreational and commercial fishermen.
- Increase communication and coordination between fishermen and federal agencies leading the whale entanglement response teams along the entire West Coast (including Oregon, Washington, and Alaska) to support more comprehensive collaboration when addressing whale entanglement concerns.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
19	0	0	0	3

NOTES:

At the October 8, 2015 meeting, the Dungeness Crab Gear Working Group agreed to a number of next steps and recommendations (Appendix 10). The DCTF supports the Working Group’s efforts to date, and provided additional suggestions to further enhance their activities. To complement these efforts, the DCTF drafted a press release (Appendix 11) to address the issue of whale entanglements and provide information on how the industry is responding to the issue. Additionally, various DCTF Members and interested members of the public who attended the October 26-27, 2015 DCTF meeting signed up to participate in pilot projects and other testing efforts the Working Group will be implementing during the 2015-16 fishing season.

Lost Fishing Gear Recovery Program

The ensuing recommendation is a follow up to Recommendation 6 in the January 2015 report (Appendix 2).

Recommendation 3- The DCTF recommends the establishment of a statewide, industry funded lost fishing gear recovery program that contains the following elements:

- 1 • Dungeness crab permit holder obtains a permit from the Department to retrieve gear after season ends.
- 2 • Retrieval period begins and ends as per Section 132.2(a) Title 14, CCR.
- 3 • Retrieved gear must be delivered to the Department by retrieval boat/crew.
- 4 • Fees (e.g., paying boat, covering Department storage and administrative costs, scrapping traps, etc.) will be added to Title 14, CCR.
- 5 • Owners will be notified and the gear will be impounded. Details about notification process and timeframe for holding [TBD].
- 6 • Owners are responsible for retrieval, impound, and disposal fees.¹⁵ If owner does not pay fees, owner cannot renew permit until fees have been paid.
- 7 • The DCTF supports the Department issuing citations in addition to fees for recovery of gear, which would require better coordination between those fishermen retrieving gear and the Department's Law Enforcement Division.¹⁵
- 8 • The industry does not tolerate strings of gear in the ocean after the season closes. This program is a successful way to retrieve traps from the ocean, as there will be less stray gear because owners take it upon themselves to remove it.

Vote of all DCTF Members (ex officio Members abstained):

Thumbs up	Thumbs Sideways	Thumbs Down	Abstained	Absent
14	3	1	0	4

NOTES:

Lost and abandoned fishing gear has been identified as a problem by the DCTF and the Dungeness crab industry. This gear poses a navigational hazard to boats and can often entangle actively fished gear resulting in more lost gear. Additionally, in light of recent concerns surrounding whale entanglements in Dungeness crab fishing gear, the DCTF views a lost fishing gear recovery program as an important step in helping to reduce whale entanglements.

Recommendation 6 in the January 15, 2015 DCTF report identifies unanimous support for an industry designed, funded, and implemented lost gear retrieval program that works in cooperation with the Department. During the October 2015 DCTF meeting, the DCTF continued to express a need for a mandatory program that requires individuals to pay for their lost gear to financially support the program, as well as discourage intentional abandonment of gear. The DCTF believes this kind of program will only be successful with full Department support. The DCTF and its Executive Committee worked with the SeaDoc Society's CA Lost Fishing Gear Recovery Project (<http://www.seadocsociety.org/california-lost-fishing-gear-removal-project/>), as well as the Department's Law Enforcement Division and Marine Region to initiate the development of a framework for a potential program over the course four public meetings in 2015 (April 20, August 14, September 2, and October 26-27). Further discussion is needed with the Department regarding associated costs and capacity, along with other program specifics, to support administration of a new program. The DCTF looks forward to continuing to work in partnership with the Department, and sharing additional updates and recommendations with the Legislature, the Department, and the Commission on or before January 2017.

¹⁵ The DCTF understands there are responsible fishermen who may lose gear in the process of doing business. The strong penalties identified here are intended for repeat violators and those who continue to deliberately abandon gear.

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An act to amend Section 9002.5 of the Fish and Game Code, relating to
commercial fishing.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

7 { (1) The Dungeness Crab Task Force supports the Department of Fish and Wildlife issuing citations for abandoning traps in the ocean and for fishing during the closed season of the Dungeness crab commercial fishery in addition to charging fees for the retrieval of Dungeness crab traps pursuant to the program established by this act.

8 { (2) The commercial Dungeness crab fishing industry does not tolerate strings of gear left in the ocean after the season closes. The program established by this act will provide an incentive to retrieve traps from the ocean.

NOTES { (3) Establishing this program will help reduce the risk of whale entanglements in commercial Dungeness crab fishing gear.

(b) This act shall be known and may be cited as the Whale Protection Act.

SEC. 2. Section 9002.5 of the Fish and Game Code is amended to read:

existing law

9002.5. (a) Notwithstanding Section 9002, the department, in consultation with the Dungeness Crab Task Force, shall develop regulations as necessary to provide for the retrieval of lost or abandoned commercial crab traps.

NOTES { (b) As part of the regulations adopted pursuant to subdivision (a), the department shall establish a retrieval permit program consistent with all of the following:

1 { (1) The department shall establish a retrieval permit that grants a Dungeness crab vessel permit holder who obtains a retrieval permit the authority to retrieve during the closed season of the Dungeness crab commercial fishery lost or abandoned

7 { Dungeness crab traps belonging to another person and to receive compensation for



7 { that retrieval on a per trap basis from the revenue generated by the fee established pursuant to paragraph (2).

4 { (2) The department shall establish a fee to be charged to a Dungeness crab vessel permitholder for each trap belonging to the permitholder that is retrieved through the program. The department shall set the fee at a level sufficient to cover the reasonable regulatory costs associated with the program and to provide reasonable compensation to a retrieval permitholder on a per trap basis. The reasonable regulatory costs associated with the program include, but are not limited to, administrative costs, storage costs, and costs associated with disposing unusable traps or traps whose owner cannot be identified.

3/5 { (3) The department shall determine how a Dungeness crab trap retrieved through the program shall be stored and how the owner of the trap shall be notified with regard to claiming the trap.

6a { (4) A Dungeness crab trap shall not be returned to the owner of the trap until the owner has paid the fee established pursuant to paragraph (2).

6b { (5) The department shall not renew a Dungeness crab vessel permit until any fee imposed pursuant to paragraph (2) has been paid.

(c) The department may adopt additional requirements necessary to implement the program described in subdivision (b).

(b)

existing law { (d) This section shall become inoperative on April 1, 2019, and, as of January 1, 2020, is repealed, unless a later enacted statute, that becomes operative on or before



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existing law { January 1, 2020, deletes or extends the dates on which it becomes inoperative and is repealed.

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Z = existing law



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